



**Planet Depos®**  
We Make It Happen™

---

# Transcript of Lamar Horton

**Date:** February 21, 2018

**Case:** UMG -v- Grande

**Planet Depos**

**Phone:** 888.433.3767

**Email::** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

**[www.planetdepos.com](http://www.planetdepos.com)**

Transcript of Lamar Horton  
Conducted on February 21, 2018

19 (73 to 76)

	73		75
1 red.		1 Underneath "Contact customer by phone," it	
2 Do you see that?		2 states (as read): Determination of contact built on	
3 <b>A. Numbers in red.</b>		3 Excess Violations2 SSRS report.	
4 Q. Yes, sir. Number one --		4 Do you see that?	
5 <b>A. Oh, yes.</b>		5 <b>A. I do.</b>	
6 Q. -- letter or email.		6 Q. An SSRS report is a -- is a document generated	
7 <b>A. Yes. Yes.</b>		7 by Grande's information system; correct?	
8 Q. So the outline proceeds, underneath "Need to		8 <b>A. Yes.</b>	
9 build communication procedure" (as read): Number 1,		9 Q. And this is referring to a report reflecting	
10 letter or email.		10 Grande customers that Grande has evidence have excessive	
11 Do you see that?		11 violations of copyright infringement.	
12 <b>A. Yes.</b>		12 MR. HOWENSTINE: Objection. Vague.	
13 Q. And it states (as read): Current process can		13 Confusing.	
14 be followed, just need to ensure letter has been mailed.		14 <b>A. I can only assume that's accurate, yes.</b>	
15 Do you see that?		15 Q. (BY MR. O'BEIRNE) Okay.	
16 <b>A. Yep.</b>		16 <b>A. But I don't know.</b>	
17 Q. Do you recall discussions about whether or not		17 Q. Well, you just testified you were familiar with	
18 letters were actually not being mailed, even though the		18 the context of this conversation regarding making	
19 system was calling for them to be mailed?		19 sure --	
20 <b>A. That's the wrong context. The context is, as</b>		20 <b>A. I am. The particular report.</b>	
21 <b>it gets to the point of working through a repeat</b>		21 Q. I'm sorry. Let me finish the question.	
22 <b>violation, ensuring that a letter was received by the</b>		22 You testified you were familiar with the	
23 <b>customer so that we are not making any assumptions and</b>		23 context of what it meant to ensure the letter has been	
24 <b>any mistakes because it's leading to a customer</b>		24 mailed; right?	
25 <b>communication.</b>		25 <b>A. Yes.</b>	
	74		76
1 Q. Okay. So you remember what this means?		1 Q. Your understanding is that the excess	
2 <b>A. I -- I -- I know the context of what this is,</b>		2 violations to SSRS report is a report generated by	
3 <b>yes.</b>		3 Grande, containing information about customers that	
4 Q. Okay. How do you know the context of what this		4 Grande has determined have received an excessive amount	
5 is?		5 of copyright infringement notices.	
6 <b>A. Through general discussions.</b>		6 MR. HOWENSTINE: Objection. Vague.	
7 Q. With whom?		7 <b>A. Yes; however, I cannot explain the details of</b>	
8 <b>A. Various Grande employees.</b>		8 <b>that report.</b>	
9 Q. Okay. And your understanding of what that		9 (Exhibit 57 marked.)	
10 means is need to ensure the letter's been mailed. If		10 Q. (BY MR. O'BEIRNE) I'm handing you PX 57.	
11 the company's going to take action on the letter that		11 Do you see this is a binder-clipped	
12 was sent to a customer, you want to make sure the letter		12 printout of an Excel spreadsheet?	
13 went out to the customer?		13 Is that fair?	
14 <b>A. Correct.</b>		14 <b>A. Yes.</b>	
15 Q. Is that because there were times where the		15 Q. I'm certainly not asking you to read this	
16 company went to take action against a customer based on		16 entire document, but I want to ask you some questions	
17 a letter that you thought went out and then the customer		17 about it and first put a couple things in the record.	
18 said, "Hey, I never received that!"		18 You'll turn to the last page and see, if	
19 <b>A. Not to my knowledge, but I -- I believe the</b>		19 you would, please, that the last page is a piece of	
20 <b>intention was to avoid that particular scenario.</b>		20 paper with a Bates number on the bottom, GRANDE0000155.	
21 Q. Number two, underneath "Communication		21 Do you see that?	
22 Procedure" (as read): Contact customer by phone.		22 <b>A. Yes.</b>	
23 Do you see that?		23 Q. And then the text in the middle says (as read):	
24 <b>A. Yes.</b>		24 This document was provided in native format upon	
25 Q. And -- strike that.		25 request.	

Transcript of Lamar Horton  
Conducted on February 21, 2018

67 (265 to 268)

	265		267
1 via certified mail.		1 <b>A. Ruth Ann Welsh is an RCN project manager.</b>	
2 Do you see that?		2 Q. I had a feeling you were going to say that.	
3 <b>A. Yes.</b>		3 Other than being an RCN -- strike that.	
4 Q. It then says (as read): If Grande receives		4 What is your familiarity with the role that	
5 subsequent notices of potential infringement regarding		5 Ruth Ann Welsh fulfills at RCN?	
6 the same account, that subscriber's Internet service		6 <b>A. Ruth Ann manages a myriad of projects in RCN's</b>	
7 with Grande is permanently terminated.		7 <b>company, many of which have included Grande because we</b>	
8 Do you see that?		8 <b>have certain operations that are synchronized or same</b>	
9 <b>A. I do.</b>		9 <b>technologies or whatever the case may be.</b>	
10 Q. Turning back to Exhibit 84 and the tally we		10 Q. Keep in mind this email's August 15, 2016.	
11 were just looking at, we'd flipped to where the tally		11 Right?	
12 count switches from four to three.		12 <b>A. Yes. Yes.</b>	
13 Do you remember that?		13 Q. Are you testifying that Grande and RCN had	
14 <b>A. Yes.</b>		14 operations that were synchronized prior to August 15th,	
15 Q. I'll represent to you that's at line 1593 in		15 2016?	
16 the Excel file.		16 <b>A. Sure.</b>	
17 <b>A. Okay.</b>		17 Q. So were there times where RCN project managers	
18 Q. Do you think 1500 customers receiving more than		18 were directing Grande employees on Grande projects?	
19 three notices of infringement in 2015 is a relatively		19 <b>A. "Directing" may not be the right word.</b>	
20 small amount of customers?		20 <b>"Involved with" is how I'd probably quantify it.</b>	
21 <b>A. Compared to what?</b>		21 Q. Were there times when RCN project managers were	
22 Q. So your email to your boss said (as read): My		22 managing Grande employees on Grande projects?	
23 gut is that a relatively small group of users drive it.		23 <b>A. Again, I would say working with, but that</b>	
24 So I'm asking you: Do you think 1593 users		24 <b>direction would only come from Patriot, meaning, if</b>	
25 would qualify as a relatively small group?		25 <b>there was a project to be executed and Patriot wanted</b>	
	266		268
1 <b>A. From a ballpark perspective, yes, I do.</b>		1 <b>Grande to, for example, do the same thing that RCN's</b>	
2 Q. How many of those users were kicked off for		2 <b>doing and let one of RCN's employees help manage it for</b>	
3 copyright infringement by Grande in 2015?		3 <b>us, that would be at the direction of Patriot.</b>	
4 <b>A. To the best of my knowledge, none.</b>		4 Q. Stephanie continues (as read): According to	
5 Q. 2016?		5 her, Ruth Ann Welsh, Rob R. and Bill S. requested she	
6 <b>A. Also none.</b>		6 contact me to get some statistical information re our	
7 (Exhibit 85 marked.)		7 DMCA email notification process.	
8 Q. (BY MR. O'BEIRNE) I'm handing you PX 85. This		8 That's what she says; right?	
9 is a document produced by Grande in this case; right?		9 <b>A. Yes.</b>	
10 <b>A. Yes.</b>		10 Q. Who's Rob R.?	
11 Q. This is an email Stephanie Christianson sent to		11 <b>A. Rob Roeder.</b>	
12 you August 15, 2016; right?		12 Q. Who's Bill S.?	
13 <b>A. Yes.</b>		13 <b>A. That would be Bill Sievers.</b>	
14 Q. She cc'd Mr. Jordan?		14 Q. What does Bill Sievers do?	
15 <b>A. Yes.</b>		15 <b>A. Bill Sievers manages the call centers at both</b>	
16 Q. It's titled "DMCA Notification Letters/Emails."		16 <b>RCN and Grande.</b>	
17 Right?		17 Q. Is Bill Sievers a Grande employee or an RCN	
18 <b>A. Yes.</b>		18 employee?	
19 Q. Her email states (as read): Good afternoon,		19 <b>A. Bill Sievers is not a Grande employee. I do --</b>	
20 Lamar. I wanted to touch base with you on a call I		20 <b>I believe he's an RCN employee.</b>	
21 received Friday afternoon from Ruth Ann Welsh, RCN's		21 Q. For how long has Bill Sievers managed Grande's	
22 project manager.		22 call center?	
23 Do you see that?		23 <b>A. Directly, since we merged the company under</b>	
24 <b>A. Yes.</b>		24 <b>TPG.</b>	
25 Q. Who is Ruth Ann Welsh?		25 Q. Prior to -- I'm sorry. Strike that.	

Transcript of Lamar Horton  
Conducted on February 21, 2018

75 (297 to 300)

	297		299
1	Q. So let's say that were February 15th, 2017.	1	Q. How often does Mr. Rohre and the six VPs sit
2	I'm not saying that's when it was, but let's just assume	2	down and talk about leadership issues at Grande?
3	that that's the date.	3	<b>A. We meet weekly or biweekly to have general</b>
4	How did your responsibilities change from	4	<b>staff meetings.</b>
5	the day before you became the DMCA agent to the day	5	Q. When you say "staff meetings," that would
6	after you became the DMCA agent?	6	normally entail Mr. Rohre and the VPs?
7	<b>A. From my perspective, other than being listed as</b>	7	<b>A. Yes.</b>
8	<b>a contact to the outside world, my responsibilities did</b>	8	Q. And at those staff meetings -- strike that.
9	<b>not change.</b>	9	Those staff meetings occur weekly,
10	Q. No additional oversight over the DMCA process?	10	sometimes more than weekly?
11	<b>A. No.</b>	11	<b>A. They're usually weekly, sometimes biweekly,</b>
12	Q. No additional responsibilities to quality check	12	<b>every other week.</b>
13	the DMCA process?	13	Q. How often is the DMCA process discussed at
14	<b>A. No.</b>	14	those meetings?
15	Q. No responsibilities to be trained on the latest	15	<b>A. That process is not discussed at those</b>
16	developments of the DMCA process?	16	<b>meetings.</b>
17	<b>A. No.</b>	17	Q. You have never attended a staff meeting with
18	Q. No responsibilities to brief senior management,	18	Mr. Rohre where the topic of the DMCA process has come
19	anybody senior to you, on the status of the DMCA	19	up?
20	process?	20	<b>A. Not that I recall.</b>
21	<b>A. Not after the date of being named the agent,</b>	21	Q. How long have you been attending those
22	<b>no.</b>	22	meetings?
23	Q. So, to the extent that you were already	23	<b>A. Since I've reported to him, which would be</b>
24	briefing your superiors on network issues in general,	24	<b>2015-ish.</b>
25	you continue doing so?	25	Q. So, since 2015, at the weekly staff meetings,
	298		300
1	<b>A. That is correct.</b>	1	the subject of the DMCA process at Grande has never been
2	Q. It didn't change in any way with your	2	discussed, to your recollection?
3	additional title as DMCA agent?	3	<b>A. Not that I recall. And -- and, if it was, it</b>
4	<b>A. That is correct.</b>	4	<b>was not a -- there was no details or making decisions or</b>
5	Q. How often does the Grande -- well, strike that.	5	<b>policy-type discussions. Our perspective is that what</b>
6	So you report to Mr. Rohre?	6	<b>we're doing or not doing was started with ABB and</b>
7	<b>A. Yes.</b>	7	<b>transitioned to Patriot.</b>
8	Q. Who else reports directly to Mr. Rohre?	8	(Exhibit 92 marked.)
9	<b>A. Five or six other vice presidents.</b>	9	Q. (BY MR. O'BEIRNE) I'm handing you Plaintiffs'
10	Q. And what do you call, colloquially, the group	10	Exhibit 92. If you turn to the last document -- strike
11	of vice presidents that report to Mr. Rohre? Other than	11	11 that.
12	12 vice president, is there a term, like, "senior staff" or	12	If you turn to the last page of Plaintiffs'
13	13 "senior leadership team," or is there some way that you	13	Exhibit 92, you'll see that it has a Bates number slip
14	14 would refer to that group of direct reports to	14	sheet reflecting that it's a native Excel that was
15	15 Mr. Rohre?	15	produced in connection with this case.
16	<b>A. Not specifically. Maybe it loosely references</b>	16	Do you see that?
17	<b>the executive team, but there's no alias or a group</b>	17	<b>A. Yes.</b>
18	<b>name.</b>	18	Q. Do you see that this one does have row numbers?
19	Q. And Mr. Kramp is not one of those six	19	<b>A. Yes.</b>
20	people; right?	20	Q. If you turn back to the first page, the title
21	<b>A. That reports to Matt?</b>	21	21 of this Excel spreadsheet is "Specific Account DMCA
22	Q. Yes.	22	22 Violations."
23	<b>A. No.</b>	23	Do you see that?
24	Q. Correct, he's not?	24	<b>A. I do.</b>
25	<b>A. Correct.</b>	25	Q. Have you seen a report like this in the past?

Transcript of Lamar Horton  
Conducted on February 21, 2018

76 (301 to 304)

<p>1     <b>A. I do not recall seeing a report like this.</b></p> <p>2     Q. Are you aware of Grande's ability to run such a</p> <p>3     report?</p> <p>4     <b>A. Well, it's a logical assumption that if Grande</b></p> <p>5     <b>provided this that we generated the report.</b></p> <p>6     Q. I understand that. I'm not asking you to</p> <p>7     assume anything. I'm -- I'm asking you something a</p> <p>8     little different.</p> <p>9       I'm saying: What is your understanding of</p> <p>10    Grande's ability to generate a report like this?</p> <p>11    <b>A. I think we've seen other examples today of</b></p> <p>12    <b>being able to query the database and provide reports of</b></p> <p>13    <b>this information.</b></p> <p>14    Q. So is your testimony that whatever knowledge</p> <p>15    you have about reports like this has been gleaned</p> <p>16    sitting here with me, looking at exhibits I've been</p> <p>17    showing you?</p> <p>18    <b>A. I would not quantify it that way.</b></p> <p>19    Q. All right. So what -- what understanding do</p> <p>20    you have, sitting here today, about Grande's ability to</p> <p>21    generate this report?</p> <p>22    <b>A. As I stated, we have the ability to generate</b></p> <p>23    <b>these reports. We've seen examples of them today.</b></p> <p>24    Q. Who generates them?</p> <p>25    <b>A. I don't know why these reports are generated.</b></p>	<p>301</p> <p>1       CERTIFICATE OF SHORTHAND REPORTER</p> <p>2       I, CANDICE ANDINO, the officer before whom the</p> <p>3       foregoing deposition was taken, do hereby certify that</p> <p>4       the foregoing transcript is a true and correct record of</p> <p>5       the testimony given; that said testimony was taken by me</p> <p>6       stenographically and thereafter reduced to typewriting</p> <p>7       under my direction; that reading and signing was not</p> <p>8       requested; and that I am neither counsel for, related</p> <p>9       to, nor employed by any of the parties to this case and</p> <p>10      have no interest, financial or otherwise, in its</p> <p>11      outcome.</p> <p>12      IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>13      this 5th day of March, 2018.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1       Q. Do you see that, Plaintiffs' Exhibit 92, there</p> <p>2       is an Entity column on the right-hand side?</p> <p>3       <b>A. I do.</b></p> <p>4       Q. And Exhibit 92 lists, as specific account DMCA</p> <p>5       violations, numerous ticket numbers with the source</p> <p>6       entity as Rightscorp Inc.</p> <p>7       <b>A. I do.</b></p> <p>8       Q. Please bear with me for a second.</p> <p>9       MR. O'BEIRNE: That's all the questions I</p> <p>10      have for Mr. Horton at this time. I pass the witness.</p> <p>11      MR. HOWENSTINE: I have no questions of the</p> <p>12      witness.</p> <p>13      THE VIDEOGRAPHER: The time is 6:47 p.m.,</p> <p>14      on February 21st, 2018. This completes the video</p> <p>15      deposition of Lamar Horton.</p> <p>16      THE REPORTER: Would you like to order a</p> <p>17      copy of the transcript?</p> <p>18      MR. HOWENSTINE: Yes, I would.</p> <p>19      (Deposition concluded at 6:47 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>302</p> <p>1       </p> <p>2       </p> <p>3       </p> <p>4       </p> <p>5       </p> <p>6       </p> <p>7       </p> <p>8       </p> <p>9       </p> <p>10      </p> <p>11      </p> <p>12      </p> <p>13      </p> <p>14      </p> <p>15      </p> <p>16      </p> <p>17      </p> <p>18      </p> <p>19      </p> <p>20      </p> <p>21      </p> <p>22      </p> <p>23      </p> <p>24      </p> <p>25      </p>